

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CLARENCE REDMOND LOGUE,  
JR.,

Petitioner,

vs.

STATE OF MONTANA; FLATHEAD  
COUNTY COURT; ATTORNEY  
GENERAL OF THE STATE OF  
MONTANA,

Respondents.

CV 20–110–M–DLC–KLD

ORDER

On November 23, 2020, United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation in which she recommended that Petitioner Clarence Redmond Logue’s habeas action under 28 U.S.C. § 2254 be dismissed without prejudice as unexhausted. (Doc. 5.) Logue does not object. A party is only entitled to de novo review of those findings to which he or she specifically objects. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings to which no party objects. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has

been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000)  
(citations omitted).

There is no clear error in Judge DeSoto’s determination that Logue’s federal habeas claims are unexhausted because his state petition for post-conviction relief is pending before the Montana Supreme Court. The Court agrees and will adopt the Findings and Recommendation in full, including the recommendation to deny a certificate of appealability, as jurists of reason could not disagree with the Court’s assessment.

IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 5) is ADOPTED in full.

1. Logue’s Petition (Doc. 1) is DISMISSED without prejudice as unexhausted.
2. The Clerk of Court is directed to enter judgment of dismissal.
3. A certificate of appealability is DENIED.

DATED this 29th day of December, 2020.



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Dana L. Christensen, District Judge  
United States District Court